

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 EA-07 ISO-00 IOE-00 ACDA-07 CIAE-00

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INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

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USMISSION USUN NEW YORK

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ERDA HQ WASHDC

ERDA GERMANTOWN

NOAA ROCKVILLE, MD

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E.O. 11652: N/A

TAGS: PARM, CCD

SUBJ: CCD - TWELFTH MEETING OF ENMOD WORKING GROUP,
AUGUST 2, 1976

REF: GENEVA 6164

1. SUMMARY: ARTICLE V CONTACT GROUP AGREED AD REFER-
ENDUM ON TAXT OF REVISED PARA 1 AND NEW PARA 2 AND ON CON-
SULTATIVE COMMITTEE FUNCTION AND PROCEDURES. TEXT (SENT
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SEPTTEL) WAS DISTRIBUTED TO WORKING GROUP FOR DISCUSSION AT

WEDNESDAY MEETING. US AND USSR AGREED TO ADDITION TO ARTICLE III OF PROVISION FOR EXCHANGE OF SCIENTIFIC AND TECHNICAL INFORMATION ON PEACEFUL USES OF ENMOD. SEVERAL DELEGATIONS, INCLUDING CO-SPONSORS, CRITICIZED ITALIAN ARTICLE III PROPOSAL TO ADD PROVISION ON RESPONSIBILITY OF PARTIES NOT TO CAUSE DAMAGE TO OTHER STATES THROUGH PEACEFUL USES. ARTICLE IV (IMPLEMENTATION IN DOMESTIC LAW) WAS "TENTATIVELY" ADOPTED. PAKISTAN SUBMITTED "COM-PROMISE" PROPOSAL FOR ARTICLE VII BIS (REVIEW CONFERENCES).
END SUMMARY

2. CHAIRMAN-OF-THE-DAY (DI BERNARDO, ITALY) READ ANNOUNCEMENT ON BEHALF OF ARTICLE V CONTACT GROUP STATING THAT GROUP HAD REACHED AGREEMENT AND REFERENDUM ON REVISED PARA 1 AND NEW PARA 2 OF ARTICLE AND AN AMPLIFYING ANNEX, TEXTS OF WHICH (SENT SEPTTEL) HAD BEEN DISTRIBUTED TO WORKING GROUP. EXPECTATION WAS STATED THAT TEXTS WOULD BE DISCUSSED AT WORKING GROUP'S NEXT MEETING.

3. SOVIET REP (LIKHACHEV) AND US ACTING REP (BLACK) AGREED TO ADDITION TO ARTICLE III OF PROVISION FOR FULL EXCHANGE OF SCIENTIFIC AND TECHNICAL INFORMATION, SIMILAR TO RELEVANT PARTS OF ARTICLE X(1) OF THE BWC. ARGENTINE REP (BERASATEGUI) PRAISED CO-SPONSORS' ACTION WHICH HE THOUGHT WOULD LEAD RAPIDLY TO A SOLUTION OF ARTICLE III ISSUES. SWEDISH REP (HAMILTON) NOTED THAT SWEDEN HAD SUPPORTED ORIGINAL PROPOSAL TO THIS EFFECT MADE BY ARGENTINA, EGYPT, ROMANIA, AND YUGOSLAVIA, BUT REITERATED THAT PEACEFUL ENMOD USES NEVERTHELESS ENTAIL AN AMOUNT OF DANGER AND AGAIN CALLED FOR SOME WAY OF INDICATING THAT NOT ALL SUCH USES ARE AUTOMATICALLY SANCTIONED.

4. ITALIAN ARTICLE III PROPOSAL (TEXT CONTAINED PARA 7 REFTTEL), INTER ALIA STATING RESPONSIBILITY OF PARTIES NOT TO CAUSE DAMAGE TO OTHER STATES BY PEACEFUL ENMOD ACTIVITIES, WAS CRITICIZED BY THE US, USSR, INDIAN, FRG, AND BULGARIAN DELS. US ACTING REP (BLACK) STATED THAT ITALIAN PROPOSAL SEEMED INTENDED TO ESTABLISH LEGAL OBLIGATIONS WHICH GO BEYOND SCOPE OF THE PRESENT CON-LIMITED OFFICIAL USE

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VENTION ON HOSTILE USES. USSR REP (LIKHACHEV) STATED THAT PRESENT CONVENTION RESTRICTS MILITARY OR ANY OTHER HOSTILE USE OF ENMOD TECHNIQUES, BUT DOES NOT REGULATE PEACEFUL USES, AN ENTIRELY DIFFERENT SUBJECT. CRITICISMS OF OTHER THREE DELS WERE SIMILAR. PAKISTANI REP (SALEEM) MADE ONLY REMARK WHICH COULD BE CONSTRUED AS FAVORING THE ITALIAN APPROACH, SAYING THERE IS A NEED TO MAKE CLEARER IN THE ##

IS A HOSTILE USE. ARGENTINE REP (BERASATEGUI) RECOMMENDED INFORMAL CONSULTATIONS AMONG DELS CONCERNED, A SUGGESTION WHICH WAS SUPPORTED BY ITALY, SWEDEN, AND INDIA. ARGENTINA LINED UP 15-MEMBER CONTACT GROUP FOR THIS PURPOSE.

5. INDIAN REP (MISHRA) EMPHASIZED HIS DEL'S SUPPORT FOR ORIGINAL VERSION ("SHALL NOT HINDER") OF ARTICLE III RATHER THAN PRESENT TEXT ("DOES NOT APPLY TO"). HE DECLARED THAT IF IT WERE NOT POSSIBLE TO RETURN TO THE ORIGINAL VERSION, INDIA WOULD PREFER NO ARTICLE III AT ALL. FRG REP (SCHLAICH) ALSO DECLARED HE STRONGLY FAVORED ORIGINAL VERSION, OR DROPPING PROVISION ALTOGETHER.

6. AS MODIFIED BY EARLIER INDIAN SUGGESTION ("TAKE ANY MEASURES IT CONSIDERS NECESSARY"), ARTICLE IV TEXT WAS APPROVED BY "TENTATIVE" CONSENSUS AFTER US, SWEDEN, AND CANADA REPS INDICATED ACCEPTABILITY OF REVISION. USSR AND UK REPS STATED "PRELIMINARY" APPROVAL PENDING CONCURRENCE FROM CAPITALS.

7. PAKISTANI REP (SALEEM) INTRODUCED NEW PARPOSAL FOR REVIEW CONFERENCE PROVISIONS, ARTICLE VII (BIS) (TEXT BELOW). HE EXPLAINED IT ATTEMPTS TO BRING THE DIVERGENT POSITIONS OF OTHER DRAFTS TOGETHER AND THAT HE WAS FLEXIBLE REGARDING INTERVALS BETWEEN REVCONS AFTER FIRST ONE. ONLY MAJOR INNOVATION IN PAKISTANI DRAFT IS TO PERMIT AUTOMATIC INITIAL REVCON, SCHEDULED FOR FIVE YEARS AFTER ENTRY INTO FORCE OF CONVENTION, TO BE CANCELLED IF TWO-THIRDS OR MORE OF THE PARTIES OBJECT TO HOLDING IT.

8. INDIAN REP (MISHRA) REITERATED HIS SUPPORT FOR EARLIER LIMITED OFFICIAL USE

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YUGOSLAV DRAFT, BUT SAID HE COULD ALSO GO ALONG WITH MOST OF THE PAKISTANI DRAFT IF CONSENSUS DEVELOPED. IN PARTICULAR, MISHRA ARGUED FOR THE DELETION OF THE FIRST SENTENCE IN PARA 2 OF THE PAKISTANI DRAFT, SAYING IT IS NOT NECESSARY FOR THE UNSYG TO INCITE PARTIES TO OBJECT TO HOLDING THE FIRST REVCON, AND IN ANY CASE MAKING SUCH INQUIRIES TWO YEARS BEFORE THE CONFERENCE IS SCHEDULED IS TOO FAR IN ADVANCE. FRG REP (SCHLAICH) DECLARED HE COULD ACCEPT ALL THE PAKISTANI TEXT EXCEPT PARA 4; INSTEAD, HE WOULD PREFER THE CORRESPONDING PROVISION IN THE YUGOSLAV DRAFT AND WOULD MAKE THE TIME PERIOD 10 YEARS.

9. GDR REP (HERDER) STATED THAT SINCE MOST DELS SEEMED TO FAVOR YUGOSLAV DRAFT, HE WOULD BE READY TO ACCEPT A

FIXED 5-YEAR PERIOD FOR CONVENING THE FIRST REVCON. HOWEVER, HE CALLED ON YUGOSLAVIA TO BE FLEXIBLE ALSO, DECLARING THAT THERE ARE THREE CHANGES HE WANTS TO RAISE DURING INFORMAL CONSULTATIONS: ELIMINATING MENTION OF THE PREAMBLE; MAKING THE MINIMUM INTERVAL BETWEEN REVCONS FIVE YEARS; MAKING THE MAXIMUM PERIOD BEFORE AUTOMATIC CONVENING OF A SUBSEQUENT REVCON TEN YEARS. REVCON CONTACT GROUP, WHICH PROVED NOT TO HAVE MET YET, WAS ENCOURAGED TO DO SO.

10. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR WEDNESDAY, AUGUST 4.

11. PAKISTANI REVIEW CONFERENCE PROPOSAL FOLLOWS:

BEGIN TEXT

1. CONFERENCES OF PARTIES TO THE CONVENTION SHALL BE HELD PERIODICALLY IN ORDER TO REVIEW THE OPERATION OF THIS CONVENTION WITH A VIEW TO ASSURING THAT THE PURPOSES OF THE PREAMBLE AND THE PROVISIONS OF THE CONVENTION ARE BEING REALISED.

2. THREE YEARS AFTER THE ENTRY INTO FORCE OF THIS CONVENTION, THE DEPOSITORY SHALL WRITE TO THE STATES PARTY, INVITING THEIR VIEWS REGARDING THE CONVENING OF SUCH A LIMITED OFFICIAL USE

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CONFERENCE. UNLESS TWO-THIRDS OF THE PARTIES EXPRESS THEIR OPPOSITION THERETO IN WRITING, WITHIN A PERIOD OF SIX MONTHS OF THIS REQUEST, THE DEPOSITORY SHALL PROCEED TO CONVENE THE CONFERENCE TO MEET FIVE YEARS AFTER THE ENTRY INTO FORCE OF THIS CONVENTION.

3. AT INTERVALS OF NOT LESS THAN THREE YEARS THEREAFTER A MAJORITY OF THE PARTIES TO THE CONVENTION MAY OBTAIN, BY SUBMITTING A PROPOSAL TO THIS EFFECT TO THE DEPOSITORY, THE CONVENING OF SUCH A CONFERENCE.

4. PROVIDED THAT A CONFERENCE OF THE PARTIES SHALL BE CONVENED BY THE DEPOSITORY IN ANY CASE IF NO SUCH CONFERENCE HAS BEEN HELD FOR A CONTINUOUS PERIOD OF SEVEN YEARS. END TEXT.CATTO

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